

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

GLAZIERS, ARCHITECTURAL METAL )  
AND GLASS WORKERS LOCAL )  
UNION NO. 27 WELFARE AND )  
PENSION FUNDS, ) NO. 16 C 10477  
)  
PLAINTIFFS, ) JUDGE  
)  
v. ) MAGISTRATE JUDGE  
)  
MTH ENTERPRISES, LLC, )  
an Illinois corporation, )  
)  
DEFENDANT. )

## **COMPLAINT**

Plaintiffs, by their attorneys, DONALD D. SCHWARTZ, ANDREW S. PIGOTT and ARNOLD AND KADJAN, complain against Defendant, **MTH ENTERPRISES, LLC**, an Illinois corporation, as follows:

1. (a) Jurisdiction of this cause is based on Section 301 of the National Labor Relations Act, 29 U.S.C. Section 185 (a) as amended.

(b) Jurisdiction of this cause is based upon Section 502 of the Employee Retirement Security Act of 1974, 29 U.S.C. Section 1132, 1145 ("ERISA"), as amended.

2. Venue is founded pursuant to 29 U.S.C. Section 1132 (e)(2) in this District where the Funds, as described in Paragraph 3, are administered.

3. (a) The Plaintiffs in this count are the TRUSTEES OF THE GLAZIERS, ARCHITECTURAL METAL AND GLASS WORKERS LOCAL UNION NO. 27 FRINGE BENEFIT FUNDS ("the Funds"), and have standing to sue pursuant to 29 U.S.C. Section 1132(d)(1).

(b) The Funds have been established pursuant to collective bargaining agreements previously entered into between the Glaziers Union Fringe Benefit Funds and its affiliated locals (the "Union") and certain employer associations whose employees are covered by the collective bargaining agreement with the Union.

(c) The Funds are maintained and administered in accordance with and pursuant to the provisions of the National Labor Relations Act, as amended, and other applicable state and federal laws and also pursuant to the terms and provisions of the agreements and Declarations of Trust which establish the Funds.

4. (a) Defendant, **MTH ENTERPRISES, LLC** ("MTH"), is an Illinois corporation authorized to do business in Illinois and is an employer engaged in an industry affecting commerce.

5. Since on or before January 1, 2013, **MTH** entered into successive Collective Bargaining Agreements with the Union.

6. By virtue of provisions in the Collective Bargaining Agreements, **MTH** is bound by the Trust Agreement establishing the Funds.

7. Under the terms of the Collective Bargaining Agreements and Trust Agreements to which it is bound, **MTH** is required to pay specified wages and to make periodic contributions to the Funds on behalf of certain of its employees

8. Since January 1, 2013, **MTH** has admitted, acknowledged and ratified the Collective Bargaining Agreements by filing periodic report forms with the Funds by making periodic payments to the Funds as required by the Collective Bargaining Agreements.

9. Under the terms of the Collective Bargaining Agreements and Trust Agreements to which it is bound, **MTH**, when given reasonable notice by Plaintiffs or their representatives, is

required to submit all necessary books and records to Plaintiff's accountant for the purpose of determining whether or not it is in compliance with its obligation to contribute to the Funds.

10. Plaintiffs have attempted to schedule an audit with **MTH** since January 2016, but **MTH** has still not committed to a time for the turnover of its books and records to the Plaintiffs' auditor.

**WHEREFORE**, Plaintiffs pray for relief as follows:

- A. **MTH** be ordered to submit to an audit for **January 1, 2013 through the present**.
- B. Judgment be entered on any amounts found to be due on the audit.
- C. Plaintiffs be awarded their costs herein, including reasonable attorneys' fees and costs incurred in the prosecution of this action, together with liquidated damages in the amount of 20%, all as provided in the applicable agreements and ERISA Section 502(g)(2).
- D. This Court grant Plaintiffs such other and further relief as it may deem appropriate under the circumstances.

Respectfully submitted,

**TRUSTEES OF THE GLAZIERS,  
ARCHITECTURAL METAL AND  
GLASS WORKERS LOCAL UNION  
NO. 27 WELFARE AND  
PENSION FUNDS**

By: s/ Andrew S. Pigott  
One of their Attorneys

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